

MISSION HILLS PROPERTY OWNERS' ASSOCIATION

Kimberly Stiller, Treasurer & Secretary

2210 Falcon Drive, Prescott, AZ 86301

Text Direct: (818) 335-8968 Email: mhpoab519@gmail.com; www.mhpo.org

October 22, 2024

Good Afternoon MHPOA Members!!!

The First Amendment to Increase the Annual Assessment in the CCRs was executed and dated by the MHPOA President, John Shirley and the MHPOA Secretary, Kimberly Stiller. It was registered with the Yavapai County Recorder's Office on Monday, October 14, 2024. It was officially stamped and recorded and delivered back to us. Please find a copy of the recorded original attached herein published to each Member via USPS and emailed electronically. Further, it will be uploaded on our MHPOA website which is www.mhpo.org for your convenience.

As you know, I published an email on October 13th to immediately communicate the following:
I am pleased to report that the First Amendment to Increase the Annual Assessment in the CCRs has passed with 21 "YES" votes and 5 "NO" votes. Members representing eight different Lots were present in my home on Sunday, October 13th, 2024 between 2:00-3:00 pm in order to witness the following:

1. Verification of 26 Sealed Ballots out of 27 Lots were submitted by Lot Owners. The ballots were unsealed by Kimberly Stiller, passed to John Shirley who read them out loud and tallied by Kevin Shuster with Jaki Wheeler confirming the count a second time. A spreadsheet document was used to specifically track and tally each vote by Lot Number and signed by all Members who were present to witness the event.
2. 21 "YES" Votes were tallied
3. 5 "NO" Votes were tallied

On or before November 1, 2024, I will publish an Annual Assessments Due Notice for January 1, 2025; this will give us 60 days to budget for the new Assessment of \$750.00.

This is a historic event. We have been openly discussing the need to officially raise the annual assessment by way of changing the CCRs for over 2 years. Thank you to everyone who voted. We appreciate your continued participation in matters that concern all of us with regards to maintaining our community. The Board is grateful to each Member who came alongside this process, offering their opinions, insight and wisdom over the last two years. We are very thankful to each one of you for really getting this done!

All of the Board Members:

John Shirley, President Email: jshirley877@gmail.com (585)615-3391

Ethan Wolfinger, Vice President Email: ethanwolf333@gmail.com (928)420-1544

Kimberly Stiller, Treasurer/Secretary Email: MHPOA519@gmail.com Text is BEST:(818) 335-8968

Respectfully Yours,



Kimberly Stiller

Mission Hills Property Owners Association

Secretary/Treasurer

Recorded at the request of:
John Shirley, MHPOA President

When recorded mail to:
Mission Hills Property Owners' Association
c/o Kimberly Stiller, Treasurer & Secretary
2210 Falcon Drive
Prescott, AZ 86301

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MISSION HILLS SUBDIVISION**

THIS FIRST AMENDMENT, "ANNUAL ASSESSMENT INCREASE", TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MISSION HILLS SUBDIVISION (the "FIRST Amendment") is adopted and therefore effective immediately on recordation of this instrument in the Official Records of Yavapai County, Arizona.

RECITALS

WHEREAS, a Declaration of Covenants, Conditions, and Restrictions for Mission Hills Subdivision was recorded on June 14, 1989, at Book 2157, Page 160, in the Official Records of Yavapai County, Arizona (the Declaration); and

WHEREAS, pursuant to Section 5.6 and Section 17.1 of the Declaration, and in accordance with the A.R.S. 33-1817, this First Amendment to Declaration provides that upon the affirmative approval of sixty-seven percent (67%) of the Lot Owners' by a majority of the Board prior to the adoption of this First Amendment, the current annual assessment of \$300.00 per lot can be increased to meet the financial needs of the subdivision, and

WHEREAS, the Owners in order to set forth and establish an ANNUAL ASSESSMENT INCREASE in accordance with the governing documents to the Association must amend the Declaration by an affirmative vote of 18, or 67% of the current individual Lot owners in the association, and

WHEREAS, the Goal of this FIRST Amendment is to serve a legitimate purpose related to meeting present and anticipated future costs and expenses associated with the preservation and maintenance of this highly desirable, well established, planned community: Mission Hills Subdivision, also known as Mission Hills Property Owners Association (MHPOA), and

WHEREAS this FIRST Amendment will enable the MHPOA to increase the Annual Assessment from \$300.00 per lot to \$750.00 per Lot and further provide that two thirds of the annual assessment on each lot, or \$500.00, will be utilized to cover its average annual expenses as needed and that one third of the annual assessment on each lot, or \$250.00 shall be set aside and placed in the Association's reserve account to be established by the Board, and

WHEREAS, this FIRST Amendment to Increase the Annual Assessments is fiscally responsible, and if passed, will be recorded and effective upon each lot in the subdivision commencing the 2025 Annual Assessment year, and

WHEREAS, in contemplation of future maintenance needs and to assure that monies will be available to meet anticipated future road and other improvements and expenses, the Board has determined to propose and if passed, implement an ANNUAL ASSESSMENT INCREASE from \$300.00 to \$750.00 per Lot per year which shall be paid annually in accordance with the governing documents to the Association and shall be deposited in the Association's Business Account and Reserve accounts in amounts specified in this resolution, and

WHEREAS, by executing the attached written consents to this FIRST Amendment at least 67% of the Lot Owners have agreed to amend the Declaration of Covenants, Conditions and Restrictions for the Mission Hills subdivision as hereinafter set forth.

NOW THEREFORE, the Declaration is hereby amended as follows:

Section 5.6 of the Declaration is hereby amended to read:

5.6 Assessment Limitations. Commencing for the January 1, 2025 assessment year and for subsequent assessment years, the maximum annual lot assessment payable by lot owners on or before December 31 of the previous year, as the lot owner's proportionate share of the Common Expenses may not exceed \$750.00 per year per lot. Notwithstanding the provisions of Section 5.5, the Board may fix and thereafter adjust the assessment payable by all Owners for Common Expenses at such amounts as the Board reasonably elects, provided the maximum amount payable by each Owner for each lot does not exceed the maximum set forth in the preceding sentence. From and after January 1, 2025, the maximum amount which each Owner may be required to pay as his proportionate share of the Common Expenses may be increased each year by the Board to an amount not in excess of the sum of the amount of the assessment due and payable by such Owner as his proportionate share of Common Expenses for the preceding year, plus the greater of (i) an amount equal to 5% of the assessment due and payable by such Owner for the preceding year, or (ii) an amount equal to the percentage change in the Consumer Price Index, United States. All urban Consumers, All Items (1967 - 100), as published by the United States Department of Labor, Bureau of Labor Statistics (or such other government index with which it may be replaced) for the preceding year times the amount of the assessment due and payable by such Owner for the preceding year; provided, however, that if the Association pays insurance premiums for casualty and liability coverage which had previously been paid directly by the Owners, then the maximum allowable amount of assessments shall automatically be increased by the pro rata amount of such premiums, without regard to the foregoing limitations. Notwithstanding the foregoing, if 67% of the Owners approve, the maximum allowable assessment may be increased by an amount greater than otherwise permitted pursuant to this Section 5.6.

**CERTIFICATION OF ADOPTION
OF FIRST AMENDMENT**

I, Kimberly Stiller, the duly elected Secretary of the Association, hereby certifies that the above AMENDMENT was approved by the Owners and adopted TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MISSION HILLS SUBDIVISION on 13 day of OCTOBER, 2024 and recorded on the 13 day of OCTOBER, 2024 in the official records of Yavapai County, Arizona) and that this Amendment to Declaration now constitute the FIRST AMENDMENT, THE "ANNUAL ASSESSMENT INCREASE".

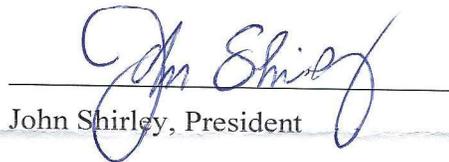
IN WITNESS WHEREOF, I have hereunto subscribed my name this 13 day of OCTOBER, 2024.



Kimberly Stiller, Secretary

I, John Shirley, the duly elected President of the Association, hereby certifies that the above AMENDMENT was approved by the Owners and adopted TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MISSION HILLS SUBDIVISION on 13TH day of OCTOBER, 2024 and recorded on the ___ day of _____, 2024 in the official records of Yavapai County, Arizona) and that this Amendment to Declaration now constitute the FIRST AMENDMENT, THE "ANNUAL ASSESSMENT INCREASE".

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13TH day of OCTOBER, 2024.



John Shirley, President

ALL CONSENT VOTE BY MAIL BALLOTS APPROVING THE FOREGOING FIRST AMENDMENT EXECUTED BY ALL OWNERS APPEAR IMMEDIATELY FOLLOWING THIS PAGE

**BALLOT FOR ELECTION TO
AMEND AND INCREASE ANNUAL ASSESSMENT FOR
MISSION HILLS SUBDIVISION¹**

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The Board of Directors has determined that to assure future funding of maintenance and increased costs associated with the Mission Hills subdivision, the base annual assessment should be increased to \$750.00 effective for the 2025 assessment year. A proposed written amendment of Section 5.6 is attached and can be found on the Mission Hills Subdivision website.

Pursuant to the decision of the Board and the Declaration of Covenants to propose the above amendment to the Covenants, Conditions and Restrictions for Mission Hills subdivision, please vote by indicating your decision



I/We consent to a modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision Assessment to \$750.00



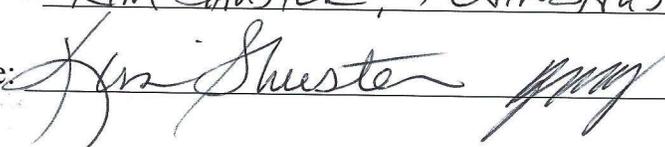
I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date: 9-17-24

Owner(s) Address: 2200 MISSION WAY

Lot Number(s): 10

Print Name: KIM SHUSTER; KEVIN SHUSTER

Signature: 

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I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date:

9/22/2024

Owner(s) Address:

2210 FALCON DRIVE

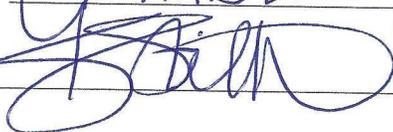
Lot Number(s):

11

Print Name:

KIMBERLY STILLER

Signature:



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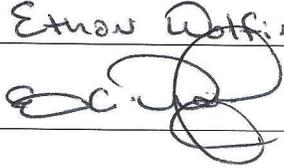
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Date: OCTOBER 1, 2024

Owner(s) Address: 2222 Falcon Drive

Lot Number(s): ? #12

Print Name: ETHEL WOLFFINGER

Signature: 

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I/We consent to a modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision Assessment to \$750.00



I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date: 8/16/2024

Owner(s) Address: 2218 MISSION WAY

Lot Number(s): #14

Print Name: DAVID & JAKI WHEELER

Signature: David Wheeler

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I/We **do not consent** to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date: 3 OCT 2024

Owner(s) Address: 2240 MISSION WAY

Lot Number(s): 15

Print Name: Paul Edmondson

Signature: Paul Edmondson

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I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date:

10/3/24

Owner(s) Address:

2234 Whitetail Ln. Prescott, AZ 86301

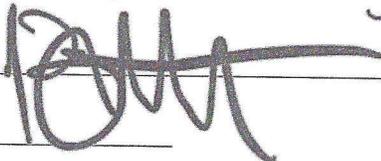
Lot Number(s):

16

Print Name:

James F. Bogrette, Trustee

Signature:



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I/We **do not consent** to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date: 9/18/24

Owner(s) Address: 2227 Whitetail Lane, Prescott, AZ
~~2227 Whitetail Lane, Prescott, AZ~~
Home Address: 84 Two Bridges Road, Towaco, N.J. 07082

Lot Number(s): #17 & #35

Print Name: Henry W. Buechse & Leroy R. Mathews

Signature: 

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I/We consent to a modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision Assessment to \$750.00



I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date:

8-16-2004

Owner(s) Address:

2256 WHITETAIL LANE

Lot Number(s):

18

Print Name:

JOHN SHIRLEY

Signature:

John Shirley

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I/We **consent** to a modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision Assessment to \$750.00



I/We **do not consent** to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date: 10/3/24

Owner(s) Address: 2251 Mission Way Prescott, AZ 86301

Lot Number(s): 19

Print Name: Alisobeth Roberts

Signature: Alisobeth Roberts

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I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date:

9-23-24

Owner(s) Address:

2258 MISSION WAY

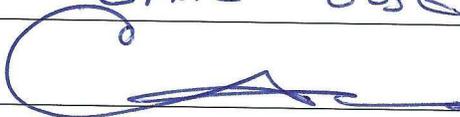
Lot Number(s):

#20 + #21

Print Name:

CRAIG GOSK

Signature:



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Date: 10/13/2024

Owner(s) Address: 2274 MISSION WAY

Lot Number(s): 22

Print Name: DETLEV E CBNA EICHLER

Signature: 

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Date: October 1, 2024

Owner(s) Address: 2296 Mission Way

Lot Number(s): 24

Print Name: Mary Hall Kelly

Signature: Mary Hall Kelly

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Date:

Oct 4, 2024

Owner(s) Address:

2263 Mission Way

Lot Number(s):

28

Print Name:

Sharon & Dane Mortensen

Signature:



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AMEND AND INCREASE ANNUAL ASSESSMENT FOR
MISSION HILLS SUBDIVISION¹**

The Board of Directors has proposed a change to modify Section 5.6 of the Declaration of Covenants, Conditions and Restrictions for the Mission Hills Subdivision, which Section currently provides for a base annual assessment of \$300.00 for each lot in the subdivision. A copy of the current version of Section 5.6 is attached and can be found on the Mission Hills Subdivision website.

The Board of Directors has determined that to assure future funding of maintenance and increased costs associated with the Mission Hills subdivision, the base annual assessment should be increased to \$750.00 effective for the 2025 assessment year. A proposed written amendment of Section 5.6 is attached and can be found on the Mission Hills Subdivision website.

Pursuant to the decision of the Board and the Declaration of Covenants to propose the above amendment to the Covenants, Conditions and Restrictions for Mission Hills subdivision, please vote by indicating your decision



I/We consent to a modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision Assessment to \$750.00



I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date:

10-4-24

Owner(s) Address:

7499 Summit View Dr., Prescott Valley
86315

Lot Number(s):

29, 30, 31

Print Name:

Greg Bausstad

Signature:



¹ The DEADLINE for submission of ballot is September 28, 2024. If an insufficient number of ballots are received by September 28, 2024, the Board may elect to extend the deadline.

**BALLOT FOR ELECTION TO
AMEND AND INCREASE ANNUAL ASSESSMENT FOR
MISSION HILLS SUBDIVISION¹**

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Date:

9-18-2024

Owner(s) Address:

2247 Whitetail Lane

Lot Number(s):

33

Print Name:

Donald J. McChesney

Signature:

Donald J. McChesney

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MISSION HILLS SUBDIVISION¹**

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I/We do not consent to the proposed modification of Section 5.6 of the Covenants, Conditions and Restrictions to increase the base annual subdivision assessment to \$750.00

Date:

9/21/24

Owner(s):

Carol Ward

Lot(s):

34

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Date:

08/27/2024

Owner(s) Address:

2215 WHITETAIL LANE

Lot Number(s):

36

Print Name:

DARYL ANTHONY RIVA + Rhonda Rejko

Signature:

D. Anthony Riva Rhonda Rejko

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YAVAPAI
— COUNTY —
RECORDER

Yavapai County Recorder
Michelle M. Burchill Recorder
1015 Fair Street, Rm. 228
Prescott, AZ
86305
Prescott: (928) 771-3244 Option 6
Cottonwood: (928) 771-3244 Option 6

Receipt: 24-30570-P

Product	Name	Extended
AMND	Amendment	\$30.00
	# Pages	21
	Document #	2024-0041760
	Requested By:	MISSION HILLS HOA
	GOV	false
Total		\$30.00
Tender (Check/MoneyOrder)		\$30.00
Check#	5322/JJ	
Paid By:	MISSION HILLS POA	

Thank You!

10/14/24, 8:48 AM MST cash1